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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,824	08/25/2003	Akio Tatsumi	16869P-078300US	3627

20350 7590 02/14/2006

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EXAMINER

LE, NANCY LOAN T

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/648,824

Applicant(s)

TATSUMI ET AL.

Examiner

NANCY LOAN T. LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7-12, 14-17, 19, 21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 14-17, 19, 21 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is responsive to amendment filed 28 November 2005 in which claims 1, 8, 14, and 19 are amended, claims 6, 13, 18, 20, and 22 are canceled without prejudice and without disclaimer.

### ***Status of Claims***

Claims 1-5, 7-12, 14-17, 19, 21, and 23 are pending.

### ***Response to Arguments***

Applicant's arguments filed 28 November 2005 have been fully considered but they are not persuasive. Claims 1-5, 7-12, 14-17, 19, 21, and 23 under 35 U.S.C. 103(a) as being unpatentable over Gold et al. (US 2002/0188704) in view of Litchman et al. (US 5,787,246) remain rejected.

Gold et al. do disclose a computer configuration modification method/program (code)/device (means for) comprising:

- receiving billing information for the modified hardware and the modified program (inherently included via "In step 1203, the vendor fulfillment service, *having determined payment details*, ..." – paragraph [0115]) -- claims 1;
- determining whether or not the hardware configuration and program configuration contained in the transmitted license information match with the modified hardware and modified program corresponding to the received billing information ([0093]; also inherently included. The Office also interprets the modified hardware and program configuration corresponding to the received billing information is what was requested by the customer, and is the same information that was previously/originally registered with the vendor by the customer) – claims 1, 8, 14; and
- if the hardware configuration and program configuration contained in the transmitted license information do not match with the modified hardware and modified program corresponding to the received billing information, then halting the configuration modification of the computer [0091, 0093, 0098: the last two sentences, 0100, 0108] – claims 1, 8, 14.

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- wherein the hardware configuration and the program configuration of the computer are modified based on a license key generated by the program management system [0060-0062, 0085, 0093, & fig. 7] -- claim 19;
- wherein the license key contains permissible hardware configuration and permissible program configuration [0093], and wherein the computer is configured not to modify the hardware configuration and the program configuration if the hardware configuration and the program configuration corresponding to the billing information do not match the permissible hardware configuration and the permissible program configuration contained in the license key [0091, 0093, 0098: the last two sentences, 0100, 0108] -- claim 19.

### ***Conclusion***

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday-Thursday, 7am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES P. TRAMMELL can be reached on **(571) 272-6712**. *For official/regular communication*, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**. *For informal/draft communication*, the fax number is **(571) 273-7066** (rightfax).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any response to this action should be *mailed* to:

***Commissioner of Patents and Trademarks***

***P.O. Box 1450***

***Alexandria, VA 22313-1450***

*Hand-delivered* responses should be brought to:

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***Alexandria, VA 22314***

NL

06 February 2006

*Nancy Loan T. Le*  
**PRIMARY EXAMINER**